



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

17 NOV 2017

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6127 6380

Mr. Chris Oehler
Plant Manager
CHS, Inc.
P.O. Box 894
South Sioux City, Nebraska 68776

Re: Request for Information Pursuant to Section 308 of the Clean Water Act
(33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Oehler:

This letter requests information regarding the facility operated by CHS, Inc., in South Sioux City, Nebraska. The U.S. Environmental Protection Agency, Region 7, performed an inspection of your facility on or about January 11, 2017. A copy of the inspection report was sent to you by letter dated April 9, 2017.

Request for Information – Response Due on or before December 1, 2017

This letter, with its enclosures, is a request for information regarding the facility's discharges to the City of South Sioux City, Nebraska, wastewater collection system. This information request is issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a). Section 308(a) of the CWA authorizes the EPA to require any person subject to the CWA to provide information required to carry out the objectives of the CWA, including to determine whether there has been a violation of the CWA. Pursuant to Section 308, you are required to provide the information identified in the enclosed Information Request (Enclosure 1). Please read the instructions in the enclosure carefully before preparing your response. A signed Statement of Certification (Enclosure 2) must accompany your response.

The information required herein must be submitted notwithstanding any claim you may have concerning confidentiality. If you wish to assert a claim of confidentiality concerning information submitted in response to this letter, you may do so pursuant to the provisions of 33 U.S.C. § 1318 and 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to said statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B.

Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA

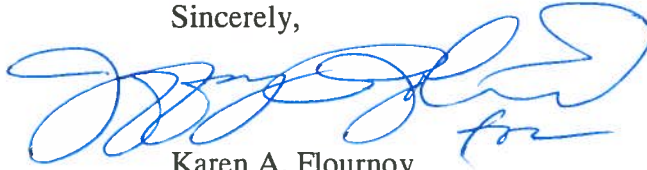


Printed on Recycled Paper

reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA.

Your response to this information request is due on or before December 1, 2017. If you believe you will need additional time to respond to any portion of this request or have any questions relating to this information request, please contact Patricia Miller, the attorney assigned to this matter at (913) 551-7283. Thank you for your cooperation.

Sincerely,



Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosures

Cc via first class mail:

CSC-Lawyers Incorporating Service Company
Suite 1900
233 South 13th Street
Lincoln, NE 68508

Cc via email:

Steve Goans, NDEQ
steve.goans@nebraska.gov

ENCLOSURE 1

INFORMATION REQUEST

RE: CHS, Inc., South Sioux City, Nebraska

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety.
3. Certification: The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on Enclosure 2.
4. Confidential Business Information: If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Personally Identifiable Information: If you believe any of the requested information is personally identifiable information, PII, please redact that information or provide a clear statement with your submittal indicating that PII may be present. Information determined to be PII will be withheld and protected in accordance with 40 C.F.R. § 2, Subpart A, and applicable EPA Privacy Act policies.

II. Definitions

Unless otherwise indicated, all terms used in this request have the meaning and definition as stated in Section 502 of the CWA, 33 U.S.C. § 1362, and regulations promulgated thereunder, including 40 C.F.R. §§ 122.2 and 403.3.

III. Submission of Information

Your response is due by no later than December 1, 2017. To request additional time to respond to any portion of this information request, please identify the specific question for which you are requesting additional time and contact Patricia Miller in the EPA Region 7, Office of Regional Counsel, at 913-551-7283.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data submitted in electronic form should be in a widely available electronic format such as PDF, Word or Excel.

To the extent practicable, the information requested herein may be sent via email to the EPA via the following email address:

Paul Marshall: Marshall.Paul@epa.gov

Any documents that are not available in electronic format must be submitted to the EPA by mail or express service in a manner that allows you to track delivery and shall be addressed as follows:

**Paul Marshall
Environmental Engineer (WWPD/WENF)
U.S. Environmental Protection Agency Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219**

III. Requested Information

General and Contact Information:

1. Identify the person to contact regarding your response, including title, address, email address and phone number.
2. Your responses to the questions are to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

With regard to the wastewater discharges from the CHS, Inc., facility in South Sioux City, Nebraska:

3. Provide hourly summaries of all pH measurements and corresponding wastewater flows taken for each day of the month from January 1 through October 31, 2016. For the periods of September 1 through September 30, 2016 and October 1 through October 31, 2016, provide the pH reading and corresponding wastewater flowrates taken for each minute of each day for those periods. If available, provide the data for September and October 2016 in Microsoft Excel workbooks, with each worksheet in the workbook containing one day's worth of measurements.
4. For the period from January 1 through October 31, 2016, identify all reagents used for pH adjustment. Provide the strength or concentration of each reagent used.

5. For the period from January 1 through October 31, 2016, provide all records showing the amount of reagent used in the pH adjustment system. Please group reagent use data by month and provide copies of all invoices showing the purchase of each reagent used for pH adjustment.
6. Provide a description of the pH adjustment system, specifically including the following information:
 - a. The year the pH adjustment system was installed and the system's cost when installed. If any significant upgrades to the system have occurred since installation, identify the date(s) of such upgrades and the cost for each upgrade.
 - b. The hours per day that the pH adjustment system operated, and describe any routine variations, for example, over weekends and holidays.
 - c. The number of full time equivalent employees required to operate the pH adjustment system.
 - d. The capacity in gallons per minute of the pump or pumps used to inject acid into the pH adjustment system.
 - e. The capacity in gallons per minute of the pump or pumps used to inject caustic into the pH adjustment system.
 - f. Describe how mixing of reagent and wastewater is accomplished. Provide the number of units and horsepower of each unit used to achieve efficient contact between reagent and wastewater, and the size of the tank used for mixing.
 - g. The set points at which the pH adjustment system begins to meter acid reagent into the system and ceases to introduce acid reagent. If this was changed during any period from January 1 through October 31, 2016, please describe.
 - h. The set points at which the pH adjustment system begins to meter caustic reagent into the system and ceases to introduce caustic reagent. If this was changed during any period from January 1 through October 31, 2016, please describe.
 - i. Provide information regarding the maximum capacity of the pH adjustment system, including:
 - i. the maximum wastewater flow in gallons per minute that can be treated;
 - ii. the maximum rate, in gallons per minute, that acid can be injected; and
 - iii. the maximum rate, in gallons per minute, that caustic can be injected.
 - j. Have any upgrades to the pH adjustment system been made since October 2016 or are any upgrades planned? If so, provide details discussing:
 - i. any changes in configuration;
 - ii. any changes in treatment chemical use; and
 - iii. any changes in capacity.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

